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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/937,840

01/28/2002

Patrick Soon-Shiong

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7072

25226 7590 02/26/2009

MORRISON & FOERSTER LLP

755 PAGE MILL RD

PALO ALTO, CA 94304-1018

EXAMINER

ANDERSON, JAMES D

ART UNIT

PAPER NUMBER

1614

MAIL DATE

DELIVERY MODE

02/26/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
09937840	1/28/2002	SOON-SHIONG ET AL.	638772000200

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**EXAMINER**

JAMES D. ANDERSON

ART UNIT	PAPER
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1614	20090223-A
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DATE MAILED:

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner for Patents**

The reply filed on 12/1/2008 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): Applicants have not addressed the second basis for rejection of claims 90-129 under 35 U.S.C. 112, 2nd paragraph pertaining to whether the amount of paclitaxel recited in the claims (i.e., "...about 1% to about 20% of the conventional dose of paclitaxel over the same period...") relates to total dose or single doses. See 37 CFR 1.111, specifically 37 CFR 1.111(b), which states that Applicants must reply to every ground of objection and rejection in the prior Office action. In the instant case, Applicants specifically address the first basis of rejection under 35 U.S.C. 112, 2nd paragraph rejection of claims 90-129 pertaining to the limitation "conventional dose of paclitaxel" (pages 3-4 of previous Office action), but do not specifically address the second basis of rejection under 35 U.S.C. 112, 2nd paragraph rejection of claims 90-129 pertaining to the limitation "...wherein the amount of paclitaxel is about 1% to about 20% of the conventional dose of paclitaxel over the same period..." (pages 4-5 of previous Office action).

Applicants have amended claims 90 and 111 to recite that the amount of paclitaxel is "1% to 20% of a conventional dose of paclitaxel over the same period...wherein the conventional dose of paclitaxel is 135-175 mg/m<sup>2</sup> over a period of three weeks," or "1% to 10% of a conventional dose of paclitaxel over the same period, wherein the conventional dose of paclitaxel is 135-175 mg/m<sup>2</sup> over a period of three weeks," respectively. However, while these amendments address and are sufficient to overcome the first basis of rejection of claims 90-129 under 35 U.S.C. 112, 2nd paragraph, they do not specifically address and are not sufficient to overcome the second, separate basis of rejection of claims 90-129 under 35 U.S.C. 112, 2nd paragraph, and Applicants have not provided any specific arguments with respect to this rejection.

Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES D. ANDERSON whose telephone number is (571)272-9038. The examiner can normally be reached on MON-FRI 9:00 am - 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ardin Marschel can be reached on 571-272-0718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ardin Marschel/  
Supervisory Patent Examiner, Art Unit 1614

/James D Anderson/  
Examiner, Art Unit 1614

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